

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
MAGISTRATE JUDGE NATHANAEL M. COUSINS

CIVIL MOTION MINUTES

Date: April 16, 2014

Case No: **3:13-cv-01196 WHO (NC)**

Case Name: **Alex Ang, et al. v. Bimbo Bakeries USA, Inc.**

Counsel for Plaintiff: Pierce Gore, Bradley Silverman (phone)

Counsel for Defendant: Mark Goodman

Deputy Clerk: Lili M. Harrell

FTR: 3:21pm - 3:53pm

Time: 32 min

PROCEEDINGS:

RULINGS:

Hearing re Joint Discovery Letters [65], [68]

Held

ORDER:

By April 30, 2014, the parties must (1) complete their Rule 26(f) conference and initial disclosures including the production of documents, and (2) jointly report to the Court on the status of those items.

By April 30, 2014, Bimbo Bakeries must report to the Court which discovery responses it has agreed to supplement, how it intends to supplement them, and the status of the supplementation.

By April 30, 2014, the parties must further meet and confer on the following issues:

- (1) Pre-class Period Discovery. As explained during the hearing, the Court's tentative ruling is to order Bimbo Bakeries to provide such discovery. The parties must meet and confer about the appropriate time limitation as to each discovery request in light of the anticipated burden and benefit of the requested discovery.**
- (2) Sales Information. The Court's tentative view is to order Bimbo Bakeries to provide such discovery. At the hearing, the parties disputed the availability of relevant sales information (wholesale v. retail). The parties must further meet and confer on this issue which was not raised in the pending joint discovery letter. Additionally, the parties must meet and confer regarding whether they can agree to the disclosure of sales information in stages, based on the relative importance of that information to plaintiffs' case, including by considering what sales information, if any, is necessary or useful before the Court's ruling on class certification.**

- (3) Products Not Sold in California.** The Court's tentative view is to not limit discovery by excluding products Bimbo Bakeries contends were not sold in California. The parties must further meet and confer in an attempt to limit their dispute on the scope of discovery on this issue.

With respect to the three categories of discovery identified above, the parties must file a joint discovery brief by April 30, 2014, reporting to the Court on the status of the meet and confer process, and the remaining disputed issues. The letter brief must be accompanied by detailed proposed orders setting forth the specific relief sought on each disputed issue and referencing the pertinent discovery requests by number.

Plaintiffs' request that the Court deem certain defenses waived by Bimbo Bakeries, related to the proper parties in interest, is denied as premature and unnecessary.